

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KARRY BETH KRUEGER,

Plaintiff,

Civil Case No. 15-10393

v.

Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
OCTOBER 19, 2015 REPORT AND RECOMMENDATION; (2)
GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT; (3) DENYING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT; AND (4) REMANDING THIS MATTER
TO THE COMMISSIONER OF SOCIAL SECURITY**

On January 29, 2015, Plaintiff filed this lawsuit challenging Defendant's final decision denying her application for Disability Insurance Benefits under the Social Security Act. On the same date, the matter was referred to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 3.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 11, 12.)

On October 19, 2015, Magistrate Judge Grand issued his R&R in which he recommends that this Court grant Plaintiff's motion to the extent she seeks remand and deny the motion to the extent she seeks an award of benefits. (ECF No. 13.) Magistrate Judge Grant recommends that the matter be remanded to the Administrative Law Judge for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (*Id.*) Magistrate Judge Grand finds that substantial evidence does not support the ALJ's finding that Plaintiff is not credible.

At the end of his R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 24) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts the magistrate judge's October 19, 2015 Report and Recommendation.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment (ECF No. 11) is **GRANTED IN PART AND DENIED IN PART**;

IT IS FURTHER ORDERED, that Defendant's motion for summary judgment (ECF No. 12) is **DENIED**;

IT IS FURTHER ORDERED, that this matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Grand's October 19, 2015 R&R.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 18, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 18, 2015, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager